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3
4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF WASHINGTON

6 UNITED STATES OF AMERICA,

7
8 Plaintiff,

9 v.

10 ERIC LYNN HEARTBURG,

11
12 Defendant.
13
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No. 2:04-CR-00061-WFN-1

ORDER FOLLOWING
INITIAL APPEARANCE
ON PETITION

MOTION GRANTED
(ECF No. 124)

15 At Defendant's December 13, 2019, initial appearance based on a petition
16 for action, post-conviction, filed December 11, 2019, **ECF No. 121**, alleging
17 violations, Nos. 4 through 6, Defendant appeared, in custody, with Assistant
18 Federal Defender Colin Prince. Assistant U.S. Attorney Richard Barker
19 represented the United States.

20 Defendant was advised of, and acknowledged, his rights.

21 Defendant did not dispute that probable cause exists for purposes of
22 scheduling a supervised release revocation hearing. Accordingly, the Court finds
23 **PROBABLE CAUSE** to hold Defendant to respond to the violations set forth in
24 the Petition, **ECF No. 121**.

25 Defendant, personally and through counsel, waived the right to a detention
26 hearing. Accordingly, **IT IS ORDERED** the United States' motion for detention,
27 **ECF No. 124**, is **GRANTED**. Defendant shall be held in detention pending the
28 plenary hearing, or until further order of the court.

1 If a party desires this Court to reconsider conditions of release because of
2 material and newly discovered circumstances pursuant to 18 U.S.C. § 3142(f), that
3 party shall file a two-page motion for reconsideration succinctly stating what
4 circumstances are new, how they are established, and the requested change in
5 conditions of release. The motion shall indicate whether opposing counsel or U.S.
6 Probation objects, and a hearing is desired. This Court will treat the motion as
7 expedited and submitted without argument and will set a hearing or issue other
8 orders as may be appropriate.

9 A **supervised release revocation hearing** is set before Senior Judge
10 Nielsen, in Spokane, Washington, on **January 9, 2020 at 9:00 a.m.**

11 **IT IS SO ORDERED.**

12 DATED December 13, 2019.

A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE